



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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December 9, 2003

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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 03-36

EBSCO Industries
P.O. Box 1943
Birmingham, Alabama 35201

Attn: Mr. Jim Stephens, President

Re: Green Mountain Rifle Barrel Co. Inc.
153 W. Main Street
Conway, New Hampshire 03818
EPA ID # NHD500012802

Dear Mr. Stephen:

On July 15, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Green Mountain Rifle Barrel Co. Inc. (Green Mountain). The purpose of the inspection was to determine Green Mountain's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1 Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been conducted on the "Floor Washwater", the "Ultrafiltration Waste", or the "Sandblast Grit."

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that Green Mountain conduct hazardous waste determinations for the following:

- (a) "Floor Washwater" generated from an ultrafiltration process which is either reused to wash the floors or is discharged to the local sewer system. The

hazardous waste determination may be demonstrated by analyzing a representative sample of the waste stream. Laboratory analysis should include, at a minimum, testing to detect the characteristic of toxicity (TCLP metals and organics) using the methods described in Env-Wm 403.06.

- (b) "Ultrafiltration Waste" generated from the ultrafiltration of the floor washwater, and includes oil skimmed off of the floor washwater prior to filtration, as well as sediments from the bottom of the ultrafiltration system. Green Mountain previously used "generator knowledge" to determine that this waste stream is a non-hazardous waste; however, analytical results from United Industrial Services, provided to DES personnel during the inspection, indicated the waste has a halogens content of 5900 parts per million (ppm). In addition, the associated waste profile from United Industrial Services listed the presence of acetone (specifically stating acetone is used at the facility as a cleaning solvent) and the requirement of an "F003" listed hazardous waste code. Because it is possible that the waste may contain solvents used in floor cleaners and may be contaminated by metals from the floor, the final waste should be sampled and tested. Laboratory analysis should include, at a minimum, testing to detect the characteristic of toxicity (TCLP organics and metals) using the method described in Env-Wm 403.06.
- (c) Waste "Sandblast Grit" generated from sandblasting finished rifle barrels. The waste sandblast grit is currently disposed of as solid waste. Because it is possible that while in use the sandblast grit may be contaminated by metals, the final waste should be sampled and tested. Laboratory analysis should include, at a minimum, testing to detect the characteristic of toxicity (TCLP metals) using the method described in Env-Wm 403.06.

In a submittal dated October 2, 2003, Eric Gillette, Quality Programs Coordinator provided the requested hazardous waste determinations.

- (a) *The "Floor Washwater" was determined to be non-hazardous and may continue to be reused or discharged to the sewer subject to any requirements of the local sewer system.*
- (b) *The "Ultrafiltration Waste" was determined to be a hazardous waste due to toxic levels of chromium and may no longer be managed as a non-regulated waste. The "Ultrafiltration Waste" must be handled pursuant to the requirements of the Hazardous Waste Rules, Env-Wm 100-1100.*
- (c) *DES received the analytical results on the waste "Sandblast Grit" on August 15, 2003. The reported total concentration of chromium in the waste is 130 ug/g. This concentration equates to a Toxicity Characteristic Leaching Procedure (TCLP) concentration of 6.5 milligrams/liter. The value of 6.5 mg/l is calculated using the method outlined in 40 CFR part 261 Appendix II.*

The following is taken from the US EPA Notes on RCRA Methods and QA Activities, January 12, 1993, from Gail Hansen, Chief, Methods Section (OS-331).

For wastes that are 100% solid as defined by the TCLP, the maximum theoretical leachate concentration can be calculated by dividing the total concentration of the constituent by 20. The dilution factor of 20 reflects the liquid to solid ratio employed in the extraction procedure. This value then can be compared to the appropriate regulatory concentration. If this value is below the regulatory concentration, the TCLP need not be performed. If the value is above the regulatory concentration, the waste may then be subjected to the TCLP to determine its regulatory status.

The value of 5 mg/l is the maximum allowable concentration for chromium before the material becomes regulated as a hazardous waste. Therefore, DES requests that Green Mountain sample the waste "Sandblast Grit" and test it to detect the characteristic of toxicity for chromium using the *TCLP method*, and submit the analytical results to DES. If the TCLP results indicate a chromium concentration of 5 mg/l or greater, the waste "Sandblast Grit" may no longer be disposed of as a solid waste, and must be handled pursuant to the requirements of the Hazardous Waste Rules, Env-Wm 100-1100.

Additionally, DES requests that Green Mountain please provide the following:

- (i) A written estimate of the quantities of sandblast grit which has been generated since July 15, 2000;

The names of each destination facility which has received the sandblast grit and the relative quantities disposed of at each facility; and

A detailed description of the process generating the sandblast grit, including the frequency of sandblast grit changes.

2. Env-Wm 509.02(a)(1) – General Inspection Requirements

A review of Green Mountain's Hazardous Waste Inspection Log revealed: 1) the time of inspection; and 2) the date and nature of repairs or remedial actions taken, were not documented.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, requires full quantity generators to conduct and document inspections of the facility, including hazardous waste storage areas. The inspections are required to be recorded in a log which includes the area being inspected, the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of the repairs or other remedial actions taken.

DES requested that Green Mountain amend the existing Hazardous Waste Inspection Log to reflect the time of inspection, and the date and nature of any necessary repairs or remedial actions taken, and to subsequently submit the updated Hazardous Waste Inspection Log to DES.

In a submittal dated July 26, 2003, Mr. Gillette provided documentation substantiating that the facility's Hazardous Waste Inspection Log has been amended to include the time of inspection, and the date and nature of any necessary repairs or remedial actions taken. No further action is required.

3 Env-Wm 509.02(a)(2) – Personnel Training

A review of Green Mountain's personnel training program revealed the following deficiencies:

- (a) Quality Programs Coordinator/Primary Emergency Coordinator Eric Gillette did not receive hazardous waste management training in the years 2001 and 2002; and alternate emergency coordinators Jeff Whiting and William McNamara did not receive hazardous waste management training in the years 1999 through 2003.
- (b) Training records provided to DES at the time of inspection, failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and specific documents and records related to personnel training are maintained at the facility.

DES requests that Green Mountain conduct and document hazardous waste training and annual reviews for all Emergency Coordinators and employees who handle hazardous waste and/or sign hazardous waste manifests. DES also requests that Green Mountain maintain a written personnel training program which documents hazardous waste job titles, job descriptions, and names of employees filling each position. Furthermore, DES requests that Green Mountain maintain, as part of the program, a description of the type and amount of introductory and continuing training that is required for persons filling each hazardous waste related position. Please submit a copy of this personnel training program to DES.

4 Env-Wm 509.02(a)(4) – Preparedness and Prevention

At the time of the inspection, Green Mountain failed to have, within 100 feet of the Main Hazardous Waste Storage Area, an internal/external communication system capable of

providing immediate contact with facility personnel and local authorities (e.g., fire department).

Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, Preparedness and Prevention, requires generators to have an internal communication system capable of providing immediate contact with facility personnel, and a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams. All required hazardous waste storage area equipment must be installed or available within 100 feet of the storage area.

DES requested that Green Mountain maintain at the Main Hazardous Waste Storage Area, a communication system capable of providing immediate communication with facility personnel and local authorities.

In the July 26, 2003 submittal, Mr. Gillette provided documentation substantiating that a telephone, capable of providing internal and external communication was installed within 100 feet of the Main Hazardous Waste Storage Area. No further action is required.

5 Env-Wm 509.02(a)(5) – Contingency Plan

A review of Green Mountain's contingency plan revealed deficiencies regarding the following:

- (a) Copies of the plan have not been submitted to the local authorities (police, fire, hospitals, contractors, and state and local emergency response teams); and
- (b) The facility contingency plan did not list the specific elements to be included in a 15-day report, listed in 40 CFR 265.56(j), that address details of the incident.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Green Mountain revise its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

In the July 26, 2003 submittal, Mr. Gillette provided documentation substantiating that the facility's contingency plan has been amended to include the required information. However, documentation substantiating that copies of the plan have been sent to the local authorities has not been submitted to DES.

6. Env-Wm 509.02(b) Emergency Posting

At the time of the inspection, there was no emergency posting at the nearest telephone to the Main Hazardous Waste Storage Area.

Env-Wm 509.02(b) states that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office)
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.

DES requested that Green Mountain post the required information at the telephone nearest to the Main Hazardous Waste Storage Area.

In the July 26, 2003 submittal, Mr. Gillette provided documentation substantiating that Green Mountain has posted the required information at the telephone nearest to the Main Hazardous Waste Storage Area. No further action is required.

7. Env-Wm 512.01(a)(1) – Recordkeeping - Manifest Copies

At the time of the inspection, Green Mountain did not have on file copies of four (4) hazardous waste manifests certified by the designated facility, including:

- (a) Manifest No. MAQ060844, dated December 12, 2001
 - (b) Manifest No. NJA4032433, dated April 10, 2002
- Manifest No. MAQ092596, dated November 21, 2002
- Manifest No. NJA4067067, dated March 17, 2003

Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies, including the original generator copy and the copy certified by the designated facility, for three (3) years from the date of signature by the generator.

DES requested that Green Mountain obtain copies of the manifests listed above, and properly retain these copies and copies of future shipments of hazardous waste.

In the October 2, 2003 submittal, Mr. Gillette provided copies of the requested manifests. No further action is required.

8 Env-Wm 102.03(c)(1) – Universal Waste Management

At the time of the inspection, one (1) container of universal waste lamps was not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that Green Mountain ensure that all containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

In the July 26, 2003 submittal, Mr. Gillette stated that all the boxes of universal waste lamps have been closed. No further action is required.

9. Env-Wm 112.03(a) – Universal Waste Lamp Management

At the time of the inspection, twelve (12) universal waste lamps were not stored in containers.

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c). Env-Wm 1102.03(c) requires that containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requested that Green Mountain ensure that all universal waste lamps are stored in containers that are closed; compatible with the universal waste and its contents; and free of defects, design characteristics, or damage.

In the July 26, 2003 submittal, Mr. Gillette provided documentation substantiating compliance with the universal waste container requirements. No further action is required.

10. Env-Wm 1112.04 - Universal Waste Management

At the time of the inspection, one (1) container of universal waste lamps was not marked with the words "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

Env-Wm 1112.04 requires universal waste handlers of lamps to ensure all container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES

DES requested that Green Mountain clearly label or mark container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

In the July 26, 2003 submittal, Mr. Gillette stated that all containers of universal waste lamps were labeled with the words "Universal Waste – Lamps". No further action is required.

DES believes the remaining portions of the cited deficiencies can be corrected and a report describing the corrective measures taken by Green Mountain can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Green Mountain including issuing an order requiring that deficiencies be corrected, initiating administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,


COPY
Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

DB/RCRA/LOD/Archives
Frederick J. McGarry, P.E., DEE, Acting Director, WMD
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Rick Sanborn, Plant Manager, Green Mountain Rifle Barrel Co., Inc.
Eric Gillette, Quality Control, Green Mountain Rifle Barrel Co., Inc.

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Enclosure: Hazardous Waste Generator Inspection Report